

Functional Series 300 - Acquisition and Assistance
ADS 320 - Marking

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- c. Food for Peace
- d. List of U.S. Suppliers of Official AID Emblems and Emblem Imprinted Bags

320.6 DEFINITIONS

320.1 OVERVIEW

This chapter contains USAID's policy and procedures on marking construction sites and other locations receiving USAID financing and commodities financed under USAID programs, to identify them as U.S. foreign assistance.

This policy does not apply to the following:

- Shipments of supplies donated by Private Voluntary Organizations (PVOs), which are not financed by USAID but for which USAID reimburses the PVO for the transportation costs.
- Grants or cooperative agreements to non-governmental organizations.

While this policy does not apply to locally procured commodities, such items shall be suitably marked to the extent practicable.

320.2 PRIMARY RESPONSIBILITIES

a. USAID Mission

1. Assuring that the appropriate USAID marking requirement is included in USAID-issued authorizations and agreements.
2. Informing the host country of the USAID marking requirement and its marking responsibilities.
3. Monitoring performance, reporting violations, initiating corrective action, and authorizing exceptions.

b. Host Country

1. Preparing and issuing instructions to purchasers concerning the USAID marking requirement.
2. Developing procedures to assure that purchasers transmit appropriate instructions to suppliers.
3. Monitoring compliance and instituting corrective action as necessary.

c. Purchaser

1. Incorporating the USAID marking requirement into implementing documents such as invitations for bids, requests for proposals or quotations, purchase orders, contracts and letters of credit.

2. Assuring that suppliers and contractors comply with the requirements.
- d. Suppliers and Contractors

Complying with the purchaser's instructions concerning the USAID marking requirements.

320.3 POLICY AND PROCEDURES

320.3.1 Marking

All USAID funded commodities, equipment, or activities must be suitably marked to identify USAID.

The marking requirements in sections 320.3.1.1 through 320.3.1.5 are in addition to markings required for commercial identification or other USAID requirements. **(Also see Additional Help, Examples of Marking Applications Requirements for Commodities)**

320.3.1.1 Design

The emblem must conform in design and proportion to the USAID emblem illustration. **(See Mandatory Reference, USAID Emblem)**

320.3.1.2 Size and Type of Emblem

The size of the emblem may vary depending upon the size of the item or unit but must be large enough to be clearly visible at a reasonable distance. Emblems are to be affixed by metal plate, decalcomania, stencil, label, tag or other means depending upon the type of commodity and nature of the surface to be marked, but they must be as durable and at least as large as the trademark or company brand name affixed by the manufacturer or producer.

320.3.1.3 Specific Contract Requirements

When the purchase contract states that a specific kind of marking is required (e.g., markings on bags must be printed on the bag), then those requirements must be complied with by the contractor.

320.3.1.4 Shipping Containers

When commodities are shipped as containerized freight in a reusable container, the container is not considered export packaging and the outside of the container does not have to be marked. However, the cartons, boxes, equipment, etc. inside the container must meet the

applicable marking requirements set forth in 320.3.2 and 320.3.3, below.
(See 320.3.2 and 320.3.3)

320.3.1.5 Obtaining Emblems

Emblems are to be obtained by the suppliers or shippers. The cost of marking shall normally be included in the bid or offer price of the supplier and is eligible for USAID financing. The Transportation and Commodities Division in the Bureau for Management, Office of Procurement (M/OP/TC) can provide assistance in locating emblem suppliers and information on marking of commodities and containers. **(See Additional Help, List of U.S. Suppliers of Official AID Emblems and Emblem Imprinted Bags)**

320.3.2 Marking - Commodity Import Program (CIP)

Under CIPs, the following requirements are applicable:

- a. All USAID-financed commodities imported by public sector entities must be suitably marked. In addition, all export containers of such goods must be suitably marked and bear the USAID financing document number.
- b. The export containers for all USAID-financed commodities imported by the private sector must be suitably marked and bear the USAID financing document number.

320.3.3 Marking - Other Programs

Under other types of program assistance, the following requirements are applicable:

- a. All USAID-financed equipment and materials and their shipping containers must be suitably marked.
- b. All construction sites and other locations receiving USAID financing must display signs suitably marked and indicating participation by the United States of America.

Under other types of assistance, the following requirements are applicable:

- a. All USAID-financed equipment and materials and their shipping containers must be suitably marked.
- b. All construction sites and other locations receiving USAID financing must display signs suitably marked and indicating participation by the United States of America. These signs should be erected at an early date in the construction or implementation phase and be replaced by

permanent signs, plates or plaques, suitably marked, at the end of this phase.

320.3.4 Marking - Public Law (P.L.) 480 Title II

Under P.L. 480 - Title II programs, the following requirements apply:

- a. The containers of commodities furnished under P.L. 480 - Title II programs are to be marked in accordance with the procedures set forth in Food For Peace and AID Reg. 11 (or 22 CFR 211), Section VI. **(See Additional Help, Food for Peace and see Mandatory Reference 22 CFR 211)**
- b. When possible and appropriate, commodities that have been borrowed from non-U.S. sources for emergency requirements under Title II are to be identified as having been made available by the people of the United States of America. **(See Mandatory Reference, P.L. 480)**

320.3.5 General Exception to Marking Requirement

Suitable marking is not required for raw materials shipped in bulk (including, grain, coal, petroleum, oil, and lubricants), vegetable fibers packaged in bales, semi-finished products which are not packaged in any way, items too small or otherwise unsuited for individual marking, and spare parts. Where relevant, the requirement for marking export containers is applicable.

320.3.6 Marking Requirement Waivers

The marking requirement shall only be waived under the following circumstances:

- a. If compliance with the marking requirement is considered impractical with respect to commodities not covered in 320.3.5, the cognizant Assistant Administrator or designee may, after consultation with M/OP/TC, grant a waiver. **(See 320.3.5)**
- b. The USAID principal officer in an overseas post may waive the marking requirement on a finding that appearance of emblems on commodities or signs at sites would produce adverse reactions in the host country. The USAID principal officer in an overseas post may also authorize the removal of emblems already affixed to commodities or signs already placed at sites, should conditions justifying such actions develop after receipt of the commodities or placement of signs.

320.5.7 Noncompliance

In those instances where the marking requirements have not been complied with, the Mission must initiate corrective action. Such action may involve informing the host country of the instances of noncompliance and requesting that it carry out its responsibilities as set forth in the applicable agreement. Major or repeated non-compliance with the marking requirements by a supplier must be referred to M/OP/TC, with details, for consideration of appropriate remedial actions. **(See AID Form 1450-1, Report of Violation)**

320.4 MANDATORY REFERENCES

320.4.1 External Mandatory References

- a. **22 CFR 201, Section 201.31(d), Rules and Procedures Applicable to Commodity Transactions Financed by AID** (Authority for ADS 320)
- b. **22 CFR 211, Transfer of Food Commodities for Food Use in Disaster Relief, Economic Development, and Other Assistance**
- c. Foreign Assistance Act, as amended, Section 641 (Authority for ADS 320)
- d. Public Law 480, Section 202 (Authority for ADS 320)

320.4.2 Internal Mandatory References

- a. **USAID Emblem**

320.5 ADDITIONAL HELP

- a. AID Form 1450-1, Report of Violation
- b. **Examples of Marking Applications Requirements for Commodities**
- c. **Food for Peace**
- d. **List of U.S. Suppliers of Official AID Emblems and Emblem Imprinted Bags**

320.6 DEFINITIONS (See Glossary)

Commodity Import Program (CIP)

A program in which USAID provides foreign exchange to a host country that, by the terms of the applicable agreement between USAID and the host country, is used to finance particular commodity import transactions of the host country. (Chapters 307, 320, 324)

suitably marked

Marking with the USAID red, white and blue emblem, and for shipping containers, marking with the emblem in addition to the USAID financing document number.
(Chapter 320)

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